



## **PRESS RELEASE**

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**For Immediate Release**

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### **Statement of Akron Mayor Don Plusquellic**

Akron, Ohio (May 9, 2014) - Given the extraordinary amount of time that has elapsed since litigation began over the **2004** Fire Lieutenant and Fire Captain tests, the City needs to find a way to move forward with a new promotion cycle for District Fire Chiefs and Lieutenants. I am asking that the parties and the union enter into an agreement to ensure the safety of our citizens, and to prevent unnecessary Court Monitor oversight.

Judge Adams recently issued an order that would give unbridled authority to a Court Monitor to do anything and everything -- even ignore the City's Charter, in the process of making promotions. As far as I know, this Monitor is an attorney with no firefighting training or knowledge to speak of.

We have appealed that ruling because of the overreaching of that order, but appeals can take months or even years to resolve – time we don't have. In an attempt to break this logjam, I have instructed our attorneys to draft a proposal where all parties and the union work with the Court Monitor appointed in this action to expedite the announcement, development, and administration of two tests for promotions to Fire Lieutenant and Fire District Chief, while the City's appeals are pending.

I am proposing that we request the Monitor to oversee the testing process and testing procedures only, so long as they are in conformance with the City's Charter and the Civil Service Rules, and all appropriate law. But insofar as the City's Charter sets forth the required process for making appointments, I believe the only proper way to make the promotions is to follow the City's Charter, Civil Service Rules, and applicable law without interference of a Court Monitor.

In my view, these types of cases involve complex issues for cities and place them in the indefensible position of trying to determine who will most likely sue you- the unsuccessful candidates who did not get promoted from the test or the eligible candidates waiting to be promoted from the test. It is the quintessential - "Damned if you do, damned if you don't." For that reason, we have appealed the judgment in this case. In addition to the judgment, the City has appealed the injunction and extensive oversight order issued by the Judge, both because we believe no injunction is appropriate and because of the breadth of oversight by the court for an unlimited period of time at the expense of our taxpayers. We have also asked the Court to stay that injunction and oversight while we pursue our appeals.

Regardless, it is time to move forward with these two promotional tests. Firefighters are anxiously awaiting their opportunity to take a promotional test and should not have to wait any longer. Our citizens deserve skilled decision- makers in these positions and at the scene of a fire.

We need to do that while preserving our rights to appeal the judgments and orders issued in this case. It is in everyone's best interest if we continue to move forward in whatever way we can while we await final rulings from the courts.

That is why I have proposed that the parties and the union work within the Court Monitor process ordered by the judge, as necessary, and to ask the Monitor to oversee only the development and administration of these two tests. I am proposing that the use of the test results conform with the Charter of the City of Akron adopted by our citizens, the Akron Civil Service Rules, and applicable state law.

We had previously contracted with Morrison and McDaniel, Inc., selected with help from the fire union and want to move ahead promptly. We are willing to do what is necessary to continue working towards the administration of those exams.

I want to give Councilman Bob Hoch credit for coming to me and pushing me to get an agreement. He has the largest number of police and firefighters in his ward and his residents are concerned about their safety. He is right on his very first point, this has been going on too long. We need to get this resolved. Also, as soon as Union President Brode took office he requested a meeting with me. During that meeting, Brode suggested that additional training be considered for our firefighters who intend to become supervisors. Chief Rob Ross agrees that the movement in officer development is to provide extensive training before testing starts. I am committed to finding funds for the purpose of providing training for those people who are eligible to test for the District Chief's position. All three agree, and were absolutely correct in bringing to my attention, that the importance of moving forward immediately is to the benefit of our citizens and firefighters, and that the safety of both is paramount.

The City looks to move forward so that we can all work for the betterment of our citizens, and bring closure to these many years of litigation. Nothing would please me more than to be able to administer a test and promote deserving firefighters to their proper posts.

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